

ENTERED

April 08, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re Jerry Wayne Parish, Debtor.

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Civil Action No. H-21-562

EVA ENGELHART, TRUSTEE,

§

Adversary Case No. 20-3053

Plaintiff,

§

§

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§

§

v.

SUE PARISH,

§

§

§

Defendant.

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§

MEMORANDUM AND OPINION

The defendant in this adversary proceeding, Susan Parish, has moved to withdraw the reference to the bankruptcy judge, who has issued a report and recommendation that the motion be denied as untimely filed. (Docket Entry No. 1). The report and recommendation is thorough and thoughtful, but the court disagrees with one part of it. The defendant initially asked for a jury trial in the adversary proceeding, and did not move to withdraw the reference until ten months after the jury demand. That is untimely and, under more ordinary circumstances, would forfeit the right to mandatory withdrawal. But the last year has not been one of ordinary circumstances.

The defendant's response, (Docket Entry No. 49), sets out the material disruption to her law firm caused by COVID, and the delays that resulted. The response also lays out the ways in which the defendant did assert her intent to seek to withdraw the reference for a jury trial in the district court, and the absence of prejudice to the plaintiff. (*Id.*). Given these circumstances, the court grants the motion to withdraw the reference. At the same time, the court refers the adversary pretrial proceeding to Bankruptcy Judge Eduardo Rodriguez, Jr., for efficient adjudication of the

remaining pretrial matters. Judge Rodriguez will notify this court when the adversary proceeding is ready to be tried.

SIGNED on April 8, 2021, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge